

Pima File 01-04A-112300-1189  
ECS File: JPA-89-65  
TRACS No.: H 2736 01C  
Section: US 89 and Ina Road

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE STATE OF ARIZONA  
AND  
PIMA COUNTY

THIS AGREEMENT is entered into 19 December, 1989,  
between the STATE OF ARIZONA, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and PIMA COUNTY,  
acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. Incident to the County's project to construct improvements to U.S. 89 at Ina Road, the State requested to include improvements which would have been accomplished by State in fiscal year 1990-1991. The improvements include widening of U.S. 89 to accommodate dual left-turn lanes on north and south bound U.S. 89 at Ina Road, and modify median islands and traffic signals.

---

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. State will:

a. Provide permit to the contractor allowing access to the State's right of way.

b. Review design documents and provide comments as appropriate.

c. Reimburse the County 50% of the project cost in an amount not to exceed \$150,000, during the State's 1990-1991 5-Year Program Cycle.

2. County will:

a. Design, call for bids, award and administer the project.

b. Submit invoice to State no later than June 30, 1990.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment by State in fiscal year 1990-1991.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, AZ 85007

Pima County  
Transportation Director  
1313 S. Mission Road  
Tucson, AZ 85713-1398

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PIMA COUNTY

STATE OF ARIZONA

Department of Transportation

By J. J. Costa  
Director, Transportation  
Title

By Robert P. Mickelson  
ROBERT P. MICKELSON  
Deputy State Engineer

PIMA COUNTY BOARD OF SUPERVISORS

ATTEST:

2112j  
11SEP

CHAIRMAN

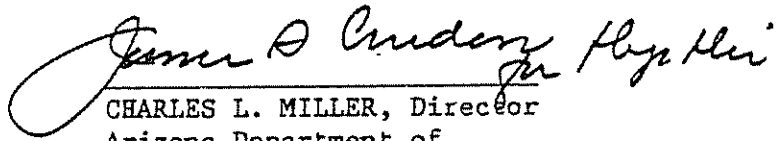
Jane S. Williams  
Clerk to the Board

NOV 6 7 1989

RESOLUTION

BE IT RESOLVED on this 28th day of July 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interest of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the County of Pima to reimburse the County during the 1990-1991 5-Year Program Cycle for performing roadway construction and signal modification to U.S. 89 at Ina Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

  
CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

RESOLUTION AND ORDER NO. 1989-238

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS APPROVING AND AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN PIMA COUNTY AND THE STATE OF ARIZONA, WHICH AGREEMENT PROVIDES FOR THE STATE OF ARIZONA TO REIMBURSE PIMA COUNTY DURING THE 1990-1991 5-YEAR PROGRAM CYCLE FOR PERFORMING ROADWAY CONSTRUCTION AND SIGNAL MODIFICATION TO U.S. 89 AT INA ROAD.

WHEREAS, it is deemed to be in the public interest to establish an agreement with the State of Arizona for State reimbursement to Pima County during the 1990-1991 5-year program cycle for performing roadway construction and signal modification to U.S. 89 at Ina Road, pursuant to the provisions of A.R.S. Section 11-951, et seq., and A.R.S. Section 9-672.

NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED, AND CARRIED, BE IT RESOLVED:

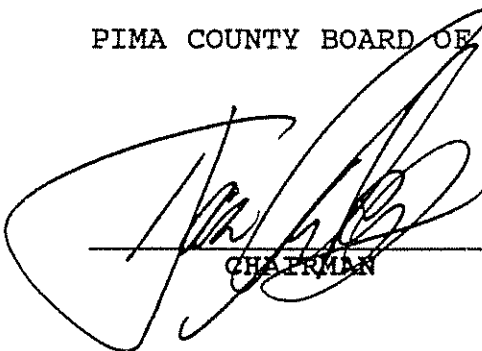
THAT Pima County enter into an Agreement with the State of Arizona to set forth the general terms and conditions for the State of Arizona to reimburse Pima County during the 1990-1991 5-year program cycle for performing roadway construction and signal modification to U.S. 89 at Ina Road.

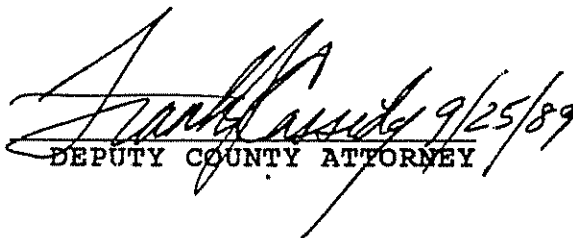
THAT the Chairman of the Board is hereby instructed and authorized to sign the said Agreement for the Pima County Board of Supervisors.

PASSED, ADOPTED AND APPROVED this 7th day of November, 1989.

PIMA COUNTY BOARD OF SUPERVISORS

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHAIRMAN

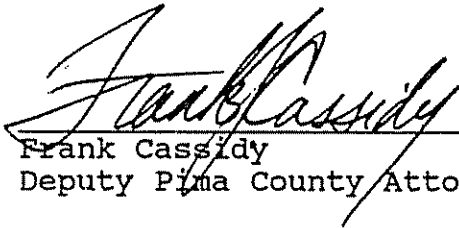
  
\_\_\_\_\_  
DEPUTY COUNTY ATTORNEY

ATTEST:

  
\_\_\_\_\_  
CLERK

ATTORNEY CERTIFICATION

The foregoing intergovernmental agreement, being an agreement between the State of Arizona, and Pima County (TRACS # H2736 01C), has been reviewed this 25<sup>th</sup> day of SEPTEMBER, 1989, pursuant to A.R.S. 11-952 by the undersigned Deputy Pima County Attorney who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the agreement represented by the Pima County Attorney.

  
\_\_\_\_\_  
Frank Cassidy  
Deputy Pima County Attorney